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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

AZ CORP COMMISSION
DOCKET CONTROL

2015 JUL 30 PM 2 19

SUSAN BITTER SMITH – Chairman
BOB STUMP
BOB BURNS
DOUG LITTLE
TOM FORESE

IN THE MATTER OF THE APPLICATION OF
MOBILITIE, LLC FOR A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE
RADIO FREQUENCY TRANSPORT SERVICE TO
ENABLE OTHER CARRIERS, INCLUDING, BUT
NOT LIMITED TO, WIRELESS
TELECOMMUNICATIONS SERVICE
PROVIDERS, TO PROVISION THE DIRECT
TRANSMISSION OF VOICE
COMMUNICATIONS AND DATA SERVICES IN
THE STATE OF ARIZONA.

DOCKET NO. T-20913A-15-0191

PROCEDURAL ORDER

BY THE COMMISSION:

On June 9, 2015, Mobilitie, LLC (“Mobilitie” or “Company”), filed with the Arizona Corporation Commission (“Commission”) an application for a Certificate of Convenience and Necessity (“CC&N”) to provide radio frequency transport service to enable other carriers, including, but not limited to, wireless telecommunications service providers, to provision the direct transmission of voice communications and data services in the state of Arizona.

On July 6, 2015, the Commission’s Utilities Division Staff (“Staff”) filed a Letter of Sufficiency stating that Mobilitie’s application was sufficient under the requirements of the Arizona Administrative Code (“A.A.C.”).

On July 24, 2015, a Procedural Order was issued setting a hearing in the matter for September 17, 2015, and outlining a procedural schedule.

An expedited telephonic procedural conference was held on July 30, 2015, during which Staff requested an alteration of the procedural schedule to allow more time for preparation of the Staff Report. The Company did not object to the requested schedule changes.

Staff’s requests are reasonable and shall be adopted.

Arizona Corporation Commission
DOCKETED

JUL 30 2015

DOCKETED BY

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1 IT IS THEREFORE ORDERED that the **hearing** in this matter currently set for **September**
2 **17, 2015, at 10:00 a.m.**, at the Commission's offices, Hearing Room 2, 1200 West Washington
3 Street, Phoenix, Arizona 85007, **is vacated**, and the procedural schedule set forth in the July 24,
4 2015, Procedural Order is set aside.

5 IT IS THEREFORE ORDERED that the **hearing** in this matter shall be held on **October 19,**
6 **2015, at 10:00 a.m.**, at the Commission's offices, Hearing Room 2, 1200 West Washington Street,
7 Phoenix, Arizona 85007.

8 IT IS FURTHER ORDERED that Staff shall file its **Staff Report** in this docket on or before
9 **September 18, 2015.**

10 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
11 105, except that all Motions to Intervene must be filed on or before **September 18, 2015.**

12 IT IS FURTHER ORDERED that any **objections to the Staff Report or to any Motions to**
13 **Intervene** shall be filed on or before **October 1, 2015.**

14 IT IS FURTHER ORDERED that the **time clock in this matter is extended to December**
15 **31, 2015.**

16 IT IS FURTHER ORDERED that the Company shall **publish notice** of the hearing as stated
17 below, in a newspaper of general circulation in every county in Arizona in which the Company
18 desires to provide service, as soon as possible, but no later than **August 17, 2015**, and shall **file an**
19 **Affidavit(s) of Publication** with the Commission no later than **August 31, 2015.**

20 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and
21 publication of same, notwithstanding the failure of an individual or entity to read or receive the
22 notice.

23 IT IS FURTHER ORDERED that the Company shall provide public notice of the hearing in
24 this matter, in the following form and style:
25

26 ...

27 ...

28 ...

**PUBLIC NOTICE OF THE APPLICATION OF MOBILITE, LLC FOR A
CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE RADIO
FREQUENCY TRANSPORT SERVICE TO ENABLE OTHER CARRIERS,
INCLUDING, BUT NOT LIMITED TO, WIRELESS TELECOMMUNICATIONS
SERVICE PROVIDERS, TO PROVISION THE DIRECT TRANSMISSION OF VOICE
COMMUNICATIONS AND DATA SERVICES IN THE STATE OF ARIZONA
(DOCKET NO. T-20913A-15-0191)**

Summary

On June 9, 2015, Mobilitie, LLC ("Company") submitted to the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity to provide radio frequency transport service to enable other carriers, including, but not limited to, wireless telecommunications service providers, to provision the direct transmission of voice communications and data services in the state of Arizona. The Commission's Utilities Division ("Staff") will issue a Staff Report recommending approval or denial of the Company's application. The Commission is not bound by the proposals made by the Company, Staff, or any intervenors. The Commission will issue a decision regarding the Company's application following consideration of testimony and evidence presented at an evidentiary hearing.

How You Can View or Obtain a Copy of the Application

Copies of the application are available at the Company's offices [COMPANY INSERT ADDRESS HERE] and the Commission's offices at 1200 West Washington, Phoenix, Arizona, for public inspection during regular business hours, and the internet via the Commission website (www.azcc.gov) using the e-docket function.

Arizona Corporation Commission Public Hearing Information

The Commission will hold a hearing on this matter beginning **October 19, 2015, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, Hearing Room 2, 1200 West Washington Street, Phoenix, Arizona 85007. Public comments will be taken on the first day of the hearing.

Written public comments may be submitted by mailing a letter referencing Docket No. **T-20913A-15-0191** to Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007, or by submitting comments on the Commission's website (www.azcc.gov) using the "Submit a Public Comment for a Utility" function. If you require assistance, you may contact the Consumer Services Section at 1-800-222-7000.

About Intervention

The law provides for an open public hearing at which, under appropriate circumstances, interested persons may intervene. An interested person may be granted intervention if the outcome of the case will directly and substantially impact the person, and the person's intervention will not unduly broaden the issues in the case. Intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other parties' witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and providing public comment on the application or from filing written comments in the record of the case.

To request intervention, you must file an **original and 13 hard copies** of a written request to intervene with Docket Control, 1200 West Washington, Phoenix, AZ 85007, **no later than September 18, 2015**. You also **must** serve a copy of the request to intervene on each party of record, on the same day that you file the request to intervene with the Commission. Information about intervention and sample intervention requests are available on the Commission's website (www.azcc.gov) using the "Intervention in Utility Cases" link.

Your request to intervene must contain the following:

1. Your name, address, and telephone number, and the name, address, and telephone number of any person upon whom service of documents is to be made, if not yourself;
2. A reference to **Docket No. T-20913A-15-0191**;
3. A short statement explaining:
 - a. Your interest in the proceeding (e.g., a customer of the utility, a shareholder of the utility, etc.),
 - b. How you will be directly and substantially affected by the outcome of the case, and
 - c. Why your intervention will not unduly broaden the issues in the case;
4. A statement certifying that you have served a copy of the request to intervene on the utility or its attorney and all other parties of record in the case; and
5. If you are not represented by an attorney who is an active member of the Arizona State Bar, and you are not representing yourself as an individual, sufficient information and any appropriate documentation to demonstrate compliance with Arizona Supreme Court Rules 31, 38, and 42, as applicable.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before September 18, 2015. If representation by counsel is required by Arizona Supreme Court Rule 31, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor.

ADA/Equal Access Information

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator Shaylin Bernal, E-mail SABernal@azcc.gov, voice phone number (6520) 542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that the intervention granted herein is conditioned upon the intervenor obtaining counsel to represent the intervenor if required by Rule 31 of the Rules of the Arizona Supreme Court, and such counsel filing a notice of appearance with the Commission, within 30 days of the date of this Procedural Order.

IT IS FURTHER ORDERED that **all parties must comply with Rules 31 and 38 of the Rules of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law in Arizona and admission *pro hac vice*.**

1 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
2 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
3 Rules of Arizona Supreme Court). Representation before the Commission includes appearances at all
4 hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled
5 for discussion, unless counsel has previously been granted permission to withdraw by the
6 Administrative Law Judge or the Commission.

7 IT IS FURTHER ORDERED that, as permitted under A.A.C. R14-3-107(B), **each party to**
8 **this matter may opt to receive service of all filings in this docket, including all filings by parties**
9 **and all Procedural Orders and Recommended Opinions and Orders/Recommended Orders**
10 **issued by the Commission's Hearing Division, via email sent to an email address provided by**
11 **the party rather than via U.S. Mail. To exercise this option, a party shall:**

- 12 1. Ensure that the party has a valid and active email address to which the party has
13 regular and reliable access ("designated email address");
- 14 2. Complete a Consent to Email Service form, available on the Commission's website
15 (www.azcc.gov);
- 16 3. File the original and 13 copies of the Consent to Email Service form with the
17 Commission's Docket Control, also providing service to each party to the service list;
- 18 4. Send an email, containing the party's name and the docket number for this matter, to
19 HearingDivisionServicebyEmail@azcc.gov from the designated email address, to
20 allow the Hearing Division to verify the validity of the designated email address;
- 21 5. Understand and agree that service of a document on the party shall be complete upon
22 the sending of an email containing the document to the designated email address,
23 regardless of whether the party receives or reads the email containing the document;
24 and
- 25 6. Understand and agree that the party will no longer receive service of filings in this
26 matter through First Class U.S. Mail or any other form of hard-copy delivery, unless
27 and until the party withdraws this consent through a filing made in this docket.
28


1 IT IS FURTHER ORDERED that a party's consent to email service shall not become
 2 effective until a Procedural Order is issued approving the use of email service for the party. The
 3 Procedural Order shall be issued only after the party has completed steps 1 through 4 above, and the
 4 Hearing Division has verified receipt of an email from the party's designated email address.

5 IT IS FURTHER ORDERED that a party's election to receive service of all filings in this
 6 matter via email does not change the requirement that all filings with the Commission's Docket
 7 Control must be made in hard copy and must include an original and 13 copies.

8 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
 9 Communications) continues to apply to this proceeding as the matter is set for public hearing.

10 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
 11 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
 12 hearing.

13 Dated this 30th day of July, 2015.

14 
 15 _____
 16 BELINDA A. MARTIN
 ADMINISTRATIVE LAW JUDGE

17 Copies of the foregoing mailed/delivered
 18 this 30th day of July, 2015, to:

19 Vineetha Pillai
 20 MARASHLIAN & DONAHUE, LLC
 1420 Spring Hill Road, Suite 401
 McLean, VA 22102

Thomas Broderick, Director
 Utilities Division
 ARIZONA CORPORATION COMMISSION
 1200 West Washington Street
 Phoenix, Arizona 85007

21 Janice Alward, Chief Counsel
 22 Legal Division
 ARIZONA CORPORATION COMMISSION
 1200 West Washington Street
 23 Phoenix, Arizona 85007

COASH & COASH, INC.
 Court Reporting, Video and
 Videoconferencing
 1802 North 7th Street
 Phoenix, AZ 85006

24
 25 By:



26 Rebecca Unquera
 Assistant to Belinda A. Martin